

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Linda Tirelli
(Appellant)

v.

23-cv-04185-PMH

Thomas C. Frost as Chapter 13 Trustee,
William K. Harrington as United States Trustee
(Appellee(s))

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AFFIRMATION OF THE OFFICE OF THE CHAPTER 13 TRUSTEE
REGARDING THE STANDARD OF REVIEW

Dennis Jose, Esq., staff attorney with the office of Thomas C. Frost, Esq.,
the Standing Chapter 13 Trustee hereby affirms and sets forth as follows:

1. In response to the directive of this Court that the parties are to express
their respective positions on the applicable standard of review, this office submits
as follows.

2. The Office of the Chapter 13 Trustee submits that that the Bankruptcy
Court's findings of fact are to be reviewed for clear error, and the Bankruptcy
Court's conclusions of law are to be reviewed *de novo*. *In re Markus*, 78 F.4th 554
at 563 (2d Cir. 2023). Additionally, the Bankruptcy Court's remedies are to be
reviewed for abuse of discretion. *Id.*

Dated: White Plains, New York,
November 6, 2023

Thomas C. Frost, Esq.
Standing Chapter 13 Trustee, SDNY

S/Dennis Jose

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